

Daily Digest

HIGHLIGHTS

The House agreed to the Senate amendment to H.R. 1696, to expedite the construction of the World War II Memorial—clearing the measure for the President

The House passed H.R. 1831, Small Business Liability Protection Act.

Senate

Chamber Action

Routine Proceedings, pages S5405–S5488

Measures Introduced: Eleven bills and four resolutions were introduced, as follows: S. 924–934, S.J. Res. 14–15, S. Res. 93, and S. Con. Res. 41.

Pages S5438–39

Measures Passed:

Congratulating University of Minnesota: Senate agreed to S. Res. 93, congratulating the University of Minnesota, its faculty, staff, students, alumni, and friends, for 150 years of outstanding service to the State of Minnesota, the Nation, and the world.

Page S5483

National Emergency Medical Services Week: Committee on the Judiciary was discharged from further consideration of S. Con. Res. 40, expressing the sense of Congress regarding the designation of the week of May 20, 2001, as “National Emergency Medical Services Week”, and the resolution was then agreed to.

Page S5483

Use of Capitol Grounds/JFK Center: Senate agreed to H. Con. Res. 76, authorizing the use of the East Front of the Capitol Grounds for performances sponsored by the John F. Kennedy Center for the Performing Arts.

Page S5483

Use of Capitol Grounds/Soap Box Derby: Senate agreed to H. Con. Res. 79, authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

Page S5483

Use of Capitol Grounds/Special Olympics: Senate agreed to H. Con. Res. 87, authorizing the 2001 District of Columbia Special Olympics Law Enforcement Torch Run to be run through the Capitol Grounds.

Page S5483

Use of Capitol Grounds/National Book Festival: Senate agreed to S. Con. Res. 41, authorizing the use of the Capitol Grounds for the National Book Festival.

Pages S5483–84

Fallen Hero Survivor Benefit Fairness Act: Senate passed H.R. 1727, to amend the Taxpayer Relief Act of 1997 to provide for consistent treatment of survivor benefits for public safety officers killed in the line of duty, clearing the measure for the President.

Page S5484

Tax Relief Reconciliation: Senate continued consideration of H.R. 1836, to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002, taking action on the following amendments proposed thereto:

Pages S5405–28

Rejected:

By 46 yeas to 53 nays (Vote No. 133), Feingold Amendment No. 725, to increase the income limits applicable to the 10 percent rate bracket for individual income taxes.

Pages S5405, S5406–07

By 30 yeas to 69 nays (Vote No. 134), Feingold Motion to Commit the bill to the Committee on Finance with instructions to report back within three days.

Pages S5405, S5407

By 48 yeas to 51 nays (Vote No. 135), Feingold Amendment No. 726, to preserve the estate tax for estates of more than \$100 million in size and increase the income limits applicable to the 10 percent rate bracket for individual income taxes.

Pages S5405, S5407–08

By 41 yeas to 58 nays (Vote No. 136), Lincoln Amendment No. 711, to eliminate expenditures for tuition, fees, and room and board as qualified elementary and secondary education expenses for distributions made from education individual retirement accounts.

Pages S5405, S5408

By 46 yeas to 53 nays (Vote No. 138), Kerry Amendment No. 721, to exempt individual taxpayers with adjusted gross incomes below \$100,000 from the alternative minimum tax and modify the reduction in the top marginal rate.

Pages S5405, S5409

By 43 yeas to 56 nays (Vote No. 139), Lieberman/Daschle Amendment No. 693, to provide immediate tax refund checks to help boost the economy and help families pay for higher gas prices and energy bills and to modify the reduction in the maximum marginal rate of tax.

Pages S5405–06, S5410

By 46 yeas to 53 nays (Vote No. 141), Baucus (for Conrad) Amendment No. 743, to increase the standard deduction and to strike the final two reductions in the 36 and 39.6 rate brackets.

Pages S5406, S5411–12

By 47 yeas to 52 nays (Vote No. 142), Baucus (for Conrad) Amendment No. 744, to increase the standard deduction and to reduce the final reduction in the 39.6 percent rate bracket to 1 percentage point.

Pages S5406, S5412

By 50 yeas to 50 nays (Vote No. 149), Daschle/McCain Amendment No. 768, to limit the reduction in the 39.6 rate bracket to 1 percentage point and to increase the maximum taxable income subject to the 15 percent rate.

Pages S5419–20

By 42 yeas to 57 nays (Vote No. 151), Levin Amendment No. 770, to accelerate the increase in exemption amount for estates and reduce the reduction in the 39.6 percent marginal tax rate.

Pages S5421–22

By 44 yeas to 55 nays (Vote No. 152), Levin Amendment No. 771, to make the maximum amount of the deduction for higher education expenses fully effective immediately, to repeal the termination of such deduction, and to provide an offset for revenue loss.

Pages S5422–23

By 43 yeas to 56 nays (Vote No. 155), Durbin (for Kennedy) Amendment No. 698, to allow the Hope Scholarship Credit for all costs of attendance and to decrease the reduction in the 39.6 rate.

Pages S5424–25

By 42 yeas to 57 nays (Vote No. 158), Conrad Amendment No. 781, to reduce debt by eliminating the repeal of the estate tax.

Pages S5427–28

Withdrawn:

Gramm Amendment No. 736, to ensure debt reduction by providing for a mid-course review process.

Pages S5406, S5410

Pending:

Collins/Warner Amendment No. 675, to provide an above-the-line deduction for qualified professional development expenses of elementary and secondary school teachers and to allow a credit against income

tax to elementary and secondary school teachers who provide classroom materials.

Page S5405

During consideration of this measure today, Senate also took the following actions:

By 41 yeas to 58 nays (Vote No. 132), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Feingold/Kohl Amendment No. 724, to eliminate the Medicaid death tax. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S5405, S5406

By 45 yeas to 54 nays (Vote No. 137), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Reid (for Harkin) Amendment No. 727, to delay the effective date of the reductions in the tax rate relating to the highest rate bracket until the enactment of legislation that ensures the long-term solvency of the social security and medicare trust funds. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S5405, S5408–09

By 43 yeas to 56 nays (Vote No. 140), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Corzine Motion to Commit the bill to the Committee on Finance with instructions to report back within 3 days. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the motion thus fell.

Pages S5406, S5410–11

By 43 yeas to 55 nays (Vote No. 143), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Reid (for Carper) Amendment No. 747, to provide responsible tax relief for all income taxpayers, by way of a \$1,200,000,000,000 tax cut, and to make available an additional \$150,000,000,000 for critical investments in education, particularly for meeting the Federal Government's commitments under IDEA, Head Start, and the bipartisan education reform and ESEA reauthorization bill. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S5406, S5412–13

By 41 yeas to 58 nays (Vote No. 144), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Daschle Amendment No. 722, of a perfecting nature. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S5413–15**

By 41 yeas to 57 nays (Vote No. 145), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Conrad Motion to Commit the bill to the Committee on Finance with instructions to report back within 3 days. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the motion thus fell. **Pages S5415–16**

By 55 yeas to 33 nays (Vote No. 146), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Reid/Dorgan Amendment No. 765, to amend title II of the Social Security Act to allow workers who attain age 65 after 1981 and before 1992 to choose either lump sum payments over four years totaling \$5,000 or an improved benefit computation formula under a new 10-year rule governing the transition to the changes in benefit computation rules enacted in the Social Security Amendments of 1977. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S5416–18**

By 41 yeas to 58 nays (Vote No. 147), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Levin Amendment No. 756, to require the Secretary of the Treasury to adjust the reduction in the highest marginal income rate if the discretionary spending level is exceeded in fiscal year 2002. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Page S5418**

By 49 yeas to 50 nays (Vote No. 148), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Boxer Amendment No. 767, to aid public health and improve water safety by providing tax-exempt bond authority to water systems to comply with the 10 parts per billion ar-

senic standard recommended by the National Academy of Sciences and adopted by the World Health Organization and European Union. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S5418–19

By 42 yeas to 57 nays (Vote No. 150), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Nelson (of FL) Amendment No. 748, to provide a proportionate reduction in the credit for State death taxes before repeal, thereby allowing for responsible full estate tax repeal. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S5420–21**

By 45 yeas to 54 nays (Vote No. 153), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Kennedy Amendment No. 699, to condition the reductions in the 39.6 percent rate in 2002, 2005, and 2007 on the Federal Government funding certain increases in the maximum Federal Pell Grant amounts. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell.

Page S5423

By 45 yeas to 54 nays (Vote No. 154), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Kennedy Amendment No. 700, to condition the reductions in the 39.6 percent rate in 2005 and 2007 on the Federal Government sufficiently funding Head Start to enable every eligible child access to such program. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell. **Pages S5423–24**

By 39 yeas to 60 nays (Vote No. 156), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Wellstone Motion to Commit the bill to the Committee on Finance with instructions to report back within 3 days. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the motion thus fell. **Page S5425**

By 43 yeas to 56 nays (Vote No. 157), three-fifths of those Senators duly chosen and sworn, not having voted in the affirmative, Senate rejected a motion to waive the Congressional Budget Act of 1974 with respect to consideration of Harkin Amendment No. 730, to amend the Internal Revenue Code of 1986 to adjust the income tax rates and to provide a credit to teachers and nurses for higher education loans. Subsequently, a point of order that the amendment was in violation of section 305(b)(2) of the Congressional Budget Act was sustained, and the amendment thus fell.

Pages S5425–26

A unanimous-consent agreement was reached providing for further consideration of the bill and certain amendments on Wednesday, May 23, 2001.

Page S5484

Appointments:

U.S. Commission on International Religious Freedom: The Chair, on behalf of the President pro tempore, upon the recommendation of the Majority Leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, reappointed Michael K. Young, of Washington, D.C., to the United States Commission on International Religious Freedom.

Page S5482

Vietnam Education Foundation: The Chair, on behalf of the President pro tempore and upon the recommendation of the Democratic Leader, pursuant to Public Law 106–554, appointed Senator Kerry to the Board of Directors of the Vietnam Education Foundation.

Page S5482

Nominations Confirmed: Senate confirmed the following nominations:

Lincoln P. Bloomfield, Jr., of Virginia, to be an Assistant Secretary of State (Political-Military Affairs).

William D. Hansen, of Virginia, to be Deputy Secretary of Education. (Prior to this action, Senate discharged the Committee on Health, Education, Labor and Pensions from further consideration.)

Lou Gallegos, of New Mexico, to be an Assistant Secretary of Agriculture.

Mary Kirtley Waters, of Virginia, to be an Assistant Secretary of Agriculture.

Eric M. Bost, of Texas, to be Under Secretary of Agriculture for Food, Nutrition, and Consumer Services.

William T. Hawks, of Mississippi, to be Under Secretary of Agriculture for Marketing and Regulatory Programs.

J. B. Penn, of Arkansas, to be Under Secretary of Agriculture for Farm and Foreign Agricultural Services.

Alfred Rascon, of California, to be Director of Selective Service.

Gordon England, of Texas, to be Secretary of the Navy.

1 Air Force nomination in the rank of general.

Pages S5482–83, S5488

Nominations Received: Senate received the following nominations:

Eduardo Aguirre, Jr., of Texas, to be First Vice President of the Export-Import Bank of the United States for a term expiring January 20, 2005.

Donald E. Powell, of Texas, to be Chairperson of the Board of Directors of the Federal Deposit Insurance Corporation for a term of five years.

Donald E. Powell, of Texas, to be a Member of the Board of Directors of the Federal Deposit Insurance Corporation for a term of six years.

Janet Hale, of Virginia, to be an Assistant Secretary of Health and Human Services.

Wendy Jean Chamberlin, of Virginia, to be Ambassador to the Islamic Republic of Pakistan.

William S. Farish, of Texas, to be Ambassador to the United Kingdom of Great Britain and Northern Ireland.

Francis Xavier Taylor, of Maryland, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large.

Neal A. McCaleb, of Oklahoma, to be an Assistant Secretary of the Interior.

Thomas L. Sansonetti, of Wyoming, to be an Assistant Attorney General.

Lavenski R. Smith, of Arkansas, to be United States Circuit Judge for the Eighth Circuit.

41 Army nominations in the rank of general.

1 Navy nomination in the rank of admiral.

Pages S5487–88

Executive Reports of Committees: Page S5438

Messages From the House: Page S5438

Measures Referred: Page S5438

Statements on Introduced Bills: Pages S5441–69

Additional Cosponsors: Pages S5439–41

Amendments Submitted: Pages S5469–82

Additional Statements: Pages S5434–37

Authority for Committees: Page S5482

Record Votes: Twenty-seven record votes were taken today. (Total—158)

Pages S5406–13, S5415–16, S5418–26, S5428

Adjournment: Senate met at 9:33 a.m., and adjourned at 10:13 p.m., until 9:30 a.m., on Wednesday, May 23, 2001. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S5484.)

Committee Meetings

(Committees not listed did not meet)

NOMINATIONS

Committee on Foreign Relations: Committee concluded hearings on the nominations of Lorne W. Craner, of Virginia, to be Assistant Secretary for Democracy, Human Rights, and Labor, Donald Burnham Ensenat, of Louisiana, to be Chief of Protocol, with the rank of Ambassador, Carl W. Ford, Jr., of Arkansas, to be Assistant Secretary for Intelligence and Research, Ruth A. Davis, of Georgia, to be Director General of the Foreign Service, and Paul Vincent Kelly, of Virginia, to be Assistant Secretary for Legislative Affairs, all of the Department of State, after the nominees testified and answered questions in their own behalf. Mr. Craner was introduced by Senator McCain, Mr. Ensenat was introduced by Senator Breaux, and Mr. Ford was introduced by former Senator Glenn.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nomination of Erik Patrick Christian and Maurice A. Ross, each to be an Associate Judge of the Superior Court of the District of

Columbia, after the nominees, who were introduced by Delegate Eleanor Holmes Norton, testified and answered questions in their own behalf.

RURAL AND URBAN HEALTH CARE NEEDS

Committee on the Judiciary: Subcommittee on Immigration held hearings to examine United States immigration policy regarding the immigration of nurses, physicians and other health care professionals to the United States, focusing on rural and urban nursing shortages and the immigration of foreign-trained nurses, receiving testimony from Ruth E. Levine, Senior Health Economist, World Bank; Susan Page, Pratt Regional Medical Center, Pratt, Kansas, on behalf of the Kansas Hospital Association; Carl Shusterman, Law Offices of Carl Shusterman, Los Angeles, California; Bradley D. LeBaron, Uintah Basin Medical Center, Roosevelt, Utah, on behalf of the American Hospital Association; Martha Hegarty, Country Care Nursing Facility, Easton, Kansas, on behalf of the American Health Care Association; and Diane Sosne, on behalf of the Service Employees International Union Nurse Alliance (AFL-CIO), and Douglas M. Wear, Wear and Associates, on behalf of the American Psychological Association, both of Seattle, Washington.

Hearings recessed subject to call.

House of Representatives

Chamber Action

Bills Introduced: 22 public bills, H.R. 1930–1951; 1 private bill, H.R. 1952; and 2 resolutions, H. Con. Res. 140 and H. Res. 145, were introduced.

Pages H2569–70, H2571

Reports Filed: No Reports were filed today.

Speaker Pro Tempore: Read a letter from the Speaker wherein he appointed Representative Culberson to act as Speaker pro tempore for today.

Page H2389

Guest Chaplain: The prayer was offered by Gurudev Shree Chitrabhanuji, Founder, Jain Meditation International Center.

Page H2389

Recess: The House recessed at 9:02 a.m. and reconvened at 10 a.m.

Page H2389

Suspensions: The House agreed to suspend the rules and pass the following measures:

Expedited Construction of World War II Memorial: Agreed to the Senate amendment to H.R.

1696, to expedite the construction of the World War II memorial in the District of Columbia—clearing the measure for the President; and

Pages H2391–96

Small Business Liability Protection Act: H.R. 1831, to provide certain relief for small businesses from liability under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (agreed to by a yea-and-nay vote of 419 yeas with none voting “nay”, Roll No. 134). The House debated the motion to suspend the rules and pass the bill on Monday, May 20.

Pages H2542–43

Leave No Child Behind Act: The House continued consideration of H.R. 1, to close the achievement gap with accountability, flexibility, and choice, so that no child is left behind. The House began consideration of the bill on May.

Pages H2396–H2542

Agreed To:

Boehner amendment No. 1 printed in H. Rept. 107–69 that makes various technical and clarifying changes;

Pages H2516–19